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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,706	06/26/2000	ALWIN TIMMERMANN	1247-0861-3V	9778

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OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
1755 JEFFERSON DAVIS HIGHWAY
FOURTH FLOOR
ARLINGTON, VA 22202

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 02/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/486,706

Applicant(s)

TIMMERMANN, ALWIN

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,12-15 and 17-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,12-15 and 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

Claims 10, 12-15 and 17-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “facing an interior of the vehicle” on lines 3-4 of claim 10 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of a component support assembly or the combination of a component support assembly and a vehicle door. The preamble of claim 10 implies the subcombination while the positive recitation of a vehicle implies the combination. Recitations such as “the vehicle” on lines 3-4 of claim 10 render the claims indefinite because they lack antecedent basis. Recitations such as “a fully retracted door window” on line 13 of claim 10 render the claims indefinite because it is unclear if the applicant is referring to the window set forth above or is attempting to set forth another window in addition to the one set forth above. Recitations such as “,” on line 3 of claim 20 appear to be typographical errors. Recitations such as “an enclose volume” on line 10 of claim 20 and “majority of area” on line 2 of claim 28 render the claims indefinite because they are grammatically awkward and confusing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 12, 14, 15, 17, 19-21, 23-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Publication No. 195 09 282 in view of Renner et al. German Patent Publication No. 195 09 282 discloses a component support assembly for a vehicle door, comprising a rigid double-shell box structure having a first wall 5a facing an interior of the vehicle and a second wall 3 facing an exterior of the vehicle, the second wall having at least first 31 and second (not numbered, but comprising the indentation for receiving the drive and control device 9) hollows separated by a separating member (not numbered, but seen in the figure as the portion of the first wall separating the first and second hollows), the first wall being connected to said second wall thereby forming an enclosed volume with the first hollow of the second wall and a plurality of vehicle door components 7, 92, 93 fixedly attached to the first wall so as to be located within the enclosed volume and so as to independently supported by the rigid double shell box structure, an outer panel (not shown), an interior lining 6 and a window lifter 1 mounted to the second wall. German Patent Publication No. 195 09 282 appears to be silent concerning a curved shape.

However, Renner et al. discloses a vehicle door comprising a window panel 8 having a curved shape which substantially corresponds to a curved shape of an inner panel 1.

It would have been obvious to one of ordinary skill in the art to provide German Patent Publication No. 195 09 282 with a curved shape, as taught by Renner et al., to improve the aesthetic appearance of the vehicle.

Claims 13, 18, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Publication No. 195 09 282 in view of Renner et al. as applied to claims 10, 12, 14, 15, 17, 19-21, 23-25, 27 and 28 above, and further in view of Finch et al. Finch et al. disclose a vehicle door comprising a body of foam 11 for side impact protection.

It would have been obvious to one of ordinary skill in the art to provide German Patent Publication No. 195 09 282, as modified above, with a body of foam, as taught by Finch et al., to attenuate the forces generated during side impacts.

Response to Arguments

Applicant's arguments filed November 18, 2002 have been fully considered but they are not persuasive.

With respect to the applicant's comments concerning German Patent Publication No. 195 09 282 failing to disclose an enclosed volume, the examiner respectfully disagrees. The recitation forming an enclosed volume does not require that the volume be sealed air-tight, as alleged by the applicant's comments. The recitation forming an enclosed volume only requires that the volume be enclosed. Therefore, German Patent Publication No. 195 09 282 clearly discloses an enclosed volume even if it discloses additional openings.

The applicant remaining comments are moot in view of the new grounds of rejection.

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Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
February 5, 2003